

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VERNON E. MCGINNIS,

*Petitioner,*

v.

SUPT. OBERLANDER and ATTORNEY  
GENERAL OF THE STATE OF  
PENNSYLVANIA,

*Respondents.*

Civil Action No. 2:21-cv-32

Hon. William S. Stickman IV  
Hon. Patricia L. Dodge

**ORDER OF COURT**

AND NOW, this 17<sup>th</sup> day of May, 2021, after Petitioner, Vernon E. McGinnis, Jr., filed a Petition for Writ of Habeas Corpus (ECF No. 1), and after a Report and Recommendation was filed by United States Magistrate Judge Patricia L. Dodge recommending the Court dismiss the Petition prior to service for lack of jurisdiction and deny a certificate of appealability (ECF No. 3), and after granting Petitioner a period of time to file written objections thereto (ECF No. 3), and upon consideration of the Objections filed by Petitioner (ECF No. 5), and upon its independent *de novo* review of the record, the Court hereby ADOPTS Magistrate Judge Dodge's Report and Recommendation as its Opinion. The Court wholeheartedly agrees with her analysis and recommendations.

IT IS HEREBY ORDERED that Petitioner's Objections to the Report and Recommendation (ECF No. 5) are OVERRULED.

IT IS FURTHER ORDERED that the Petition (ECF No. 3) is dismissed, for lack of jurisdiction, as it is a successive petition for which Petitioner has not received authorization from

the Third Circuit Court of Appeals to file pursuant to 28 U.S.C. § 2244 as well as for the reasons set forth by Magistrate Judge Dodge in her Report and Recommendation (ECF No. 3).

IT IS FURTHER ORDERED that because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied; and,

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if Petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W. S. Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE